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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

LUCIANO F. PAONE,

Plaintiff,

v.

MICROSOFT CORPORATION

Defendant.

07-2973
Civil Action No. 07-2793 (ADS)
(Spatt, J.) **FILED**
(Lindsay, M.J.) CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ APR 05 2009 ★

LONG ISLAND OFFICE

**~~PROPOSED~~ ORDER FOR STAY PENDING FINAL DISPOSITION OF
REEXAMINATION PROCEEDINGS RELATING TO U.S. PATENT NO. 6,259,789**

WHEREAS, this is a patent case involving U.S. patent no. 6,259,789 ("the 789 patent");

WHEREAS, on July 7, 2008, the United States Patent and Trademark Office ("the PTO") ordered that certain claims of the 789 patent be reexamined because there was a substantial new question of patentability;

WHEREAS, on March 27, 2009, the PTO rejected all claims of the 789 that are currently under reexamination;

WHEREAS, on April 6, 2009, counsel for Microsoft filed a letter request with the Court, advising of the PTO's claim rejection and urging that a stay of the present litigation pending final disposition of reexamination proceedings relating to the 789 patent would be appropriate;

WHEREAS, on April 7, 2009, during a telephone conference with the Court, counsel for Plaintiff stated that Plaintiff would oppose the rejection of the 789 patent claims in the PTO reexamination proceedings;

follows:

proceedings with regard to the 789 patent, including any and all appeals that are or that can be

~~taken therefrom.~~ The plaintiff shall notify the Court of the completion of the re-examination proceeding in chief.
SO ORDERED.

Dated: 4/05/09

Arthur D. Spatt
United States District Court Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing NOTICE OF SETTLEMENT OF ORDER PURSUANT TO LOCAL RULE 77.1 was caused to be served by e-mail delivery this 7 April 2009 on the following counsel of record:

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